

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

NICHOLAS HERBURGER

ARRAIGNMENT AND PLEA HEARING

CASE NUMBER 13-CR-112

HONORABLE Patricia J. Gorence, presiding  
Deputy Clerk: Mary  
Hearing Held: June 18, 2013

Court Reporter:  
Hearing Began: 10:01:56  
Hearing Ended: 10:25:47

**Appearances:**

UNITED STATES OF AMERICA by: Bridget Domaszek

NICHOLAS HERBURGER, in person, and by: John Schiro  CJA  FDS  RET

U.S. PROBATION OFFICE by: Daniel Dragolovich

INTERPRETER:  None  Sworn

Original Indictment  Superseding Indictment  Information  Misdemeanor  Felony

Speedy Trial Date: August 27, 2013 Trial Estimate: 3 days

Final Pretrial Date: August 14, 2013 at 11:00 AM Voir Dire:

Jury Trial Date: August 26, 2013 at 10:00 AM Motions Due: July 3, 2013

District Judge: Lynn Adelman Responses Due: July 12, 2013

Magistrate Judge: Nancy Joseph Replies Due: July 17, 2013

<input type="checkbox"/> Defendant advised of rights	<input checked="" type="checkbox"/> Open file policy applies
<input type="checkbox"/> Court orders counsel appointed	Discovery <u>3 days</u> available:
<input type="checkbox"/> Defendant to reimburse at \$ _____ per month	<input type="checkbox"/> Court discussed availability for incarcerated defendants
<input checked="" type="checkbox"/> Defendant advised of charges, penalties, and fines	<input checked="" type="checkbox"/> Government to disclose GJ materials one day prior to trial
<input checked="" type="checkbox"/> Copy of indictment received by defendant	<input type="checkbox"/> Case designated complex
<input type="checkbox"/> <input type="checkbox"/> Indictment read; or <input type="checkbox"/> Defendant waives reading	<input type="checkbox"/> Scheduling conference set for:
<input checked="" type="checkbox"/> Not guilty plea entered by: <input type="checkbox"/> defendant <input type="checkbox"/> the court	before <input type="checkbox"/> AEG <input type="checkbox"/> PJG <input type="checkbox"/> WEC <input type="checkbox"/> NJ

Maximum Penalties: Ct 1: 20 yrs imprison; \$1 Million fine; 3 yrs S.R.: \$100 S.A.

Ct 2: 10 yrs imprison; \$250,000 fine; 3 yrs SR; \$100 SA

Ct 3: 20 yrs imprison; \$1 Million fine; 3 yrs S.R.; \$100 S.A.

Indictment contains forfeiture provision.

Govt: Not asking at this time, but may be asking for this case to be designated as complex. There were 11 controlled buys and include disks and audio and video recordings. Debriefs and reports exceeds 200 pages. Amount would increase when arrest reports are received. If extension requested by defense, govt would not object.

Govt requests that the Indictment be unsealed  
Court will unseal the indictment.

Defense counsel requests the hearing be sealed.  
Court seals the hearing.

## **Bond Status:**

- Defendant is ordered detained pending trial. SEE Order of Detention Pending Trial
- Court orders federal detainer
- Defendant is ordered temporarily detained for a maximum of :  3 days  5 days  10 days  
Detention Hearing set for: \_\_\_\_\_
- Defendant detained but court will review upon motion proposing conditions of release
- Bond continued as previously set
- Detention continued as previously set
- Defendant is released on:  O/R bond  Unsecured bond in the amount of: \_\_\_\_\_  
 Bond secured by:  Cash  Property  Cash/property

### **Conditions of Release:**

- Report to Pretrial Services as directed
- Execute appearance bond:
  - Cash
    - only \_\_\_\_\_
  - Property only: Value: \$ \_\_\_\_\_ Location: \_\_\_\_\_
  - Cash or property: \_\_\_\_\_
- Seek/maintain employment
- Surrender passport to: \_\_\_\_\_
- Obtain no passport
- Travel restricted to:  ED-WI  \_\_\_\_\_
- No direct or indirect contact with: \_\_\_\_\_
- Undergo medical/psychiatric treatment: \_\_\_\_\_
- No firearms/weapons
- No excessive use of alcohol  No alcohol
- No use, or illegal possession, of narcotic drugs/controlled substances, unless prescribed by a physician or other licensed medical practitioner
- Notify any medical provider of drug addiction
- Furnish PTS with a list of prescribed medications
- Testing for drugs/alcohol \_\_\_\_\_
- Inpatient drug treatment \_\_\_\_\_
- Outpatient drug treatment s directed by PTS
- Home confinement:
  - Curfew:  as directed by USPO; or  from: \_\_\_\_\_
  - Home detention with EM with restriction to residence at all times except for employment, education, religious services, medical, substance abuse or mental health treatment, attorney visits, court appearances, court-ordered obligations, or other activities approved in advance by USPO
  - Home detention with electronic monitoring
  - Defendant to pay cost of EM as directed by PTS